



California Regional Water Quality Control Board

San Diego Region



Terry Tamminen
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

June 24, 2004

Jim Linthicum
MTDB
1255 Imperial Ave, Suite 1000
San Diego, CA 92101

Certified Mail – Return Receipt Requested
7003 3110 0006 1844 9201

In reply refer to:
CA:10-3018628:rodrv

Dear Jim Linthicum:

ADOPTION OF ORDER NO. R9-2004-0212, “ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST METROPOLITAN TRANSIT DEVELOPMENT BOARD FOR FAILURE TO PAY ANNUAL FEES”


Enclosed is a copy of Administrative Civil Liability Order No. R9-2004-0212 adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on June 10, 2004, for the amount of \$1,790, for failure to pay annual fees for continued enrollment in the Storm Water Permit.

In accordance with Order No. R9-2004-0212 and California Water Code Section 13323(d), **Metropolitan Transit Development Board shall pay \$1,790 not later than July 10, 2004.** Please send a check, made payable to *State Water Resources Control Board* to the Regional Board at the letterhead address.

The heading portion of this letter includes a Regional Board code number noted after “In reply refer to:” In Order to assist us in the processing of your correspondence please include this code number in the hearing or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions, please contact Vicente Rodriguez at (858) 627-3940 or rodrv@rb9.swrcb.ca.gov.

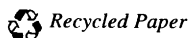
Respectfully,


JOHN H. ROBERTUS
Executive Officer

JHR:mpm:mja:vrr

Enclosure: Order No. R9-2004-0212

California Environmental Protection Agency



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2004-0212

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST**

**METROPOLITAN TRANSIT DEV/ SORRENTO VALLEY COMMUTER
STATION**

**ADJ TO SORRENTO VALLEY RD
SAN DIEGO, CA
FOR FAILURE TO PAY ANNUAL FEES**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds the following:


1. METROPOLITAN TRANSIT DEV/ SORRENTO VALLEY COMMUTER STATION violated Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board). METROPOLITAN TRANSIT DEV/ SORRENTO VALLEY COMMUTER STATION, hereinafter discharger, was or is regulated under WQ Order No. 99-08, Construction Storm Water Permit. The discharger's total unpaid annual storm water fees in this matter were in the amount of \$332 for the construction site located at ADJ TO SORRENTO VALLEY RD in SAN DIEGO, CA.
2. On April 23, 2004, the Executive Officer, in *Complaint No. R9-2004-0138 for Administrative Civil Liability* (ACL), proposed imposition of civil liability in the amount of \$1,410 for the violations alleged in Complaint No. R9-2004-0138.
3. The discharger has paid the outstanding fiscal year 2003 annual storm water fee of \$332 on June 1, 2004.
4. On June 10, 2004, the Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.
5. The total days of violations are 179, from December 4, 2003 to May 31, 2004.
6. Consideration of the factors prescribed in California Water Code Section 13327 based upon information available to the Regional Board prior to and including the hearing

and described in greater detail in Complaint No. R9-2004-0138 supports assessment of civil liability pursuant to Water Code section 13263 in the amount of \$1,790.

7. The adoption of this Order is an appropriate resolution of the violations alleged in Complaint No. R9-2004-0138 because the assessment of \$1,790 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
8. The Regional Board incurred costs totaling \$600, which includes preparation of enforcement documents, and public hearings.
9. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to Section 13261(b) of the California Water Code, that civil liability be imposed on the discharger, METROPOLITAN TRANSIT DEV/ SORRENTO VALLEY COMMUTER STATION in the amount of \$1,790.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on June 10, 2004.


JOHN H. ROBERTUS
Executive Officer